

STATE OF TENNESSEE

Office of the Attorney General



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Reply to:
Consumer Advocate and Protection Division
Post Office Box 20207
Nashville, TN 37202

January 30, 2004

Honorable Deborah Taylor Tate
Chairman
Tennessee Regulatory Authority
460 James Robertson Parkway
Nashville, Tennessee 37243

In Re: TENNESSEE COALITION OF RURAL INCUMBENT TELEPHONE
COMPANIES AND COOPERATIVES REQUEST FOR SUSPENSION OF WIRELINE
TO WIRELESS NUMBER PORTABILITY OBLIGATIONS PURSUANT TO
SECTION 251(F)(2) OF THE COMMUNICATIONS ACT OF 1934, AS AMENDED,
Docket #03-00633

Dear Chairman Tate:

Enclosed is an original and thirteen copies of the Consumer Advocate and Protection Division's *Complaint and Petition To Intervene*, in regards to the above referenced case. Kindly file same in this docket. Copies are being sent to all parties of record. If you have any questions, kindly contact me at (615)741-8700. Thank you.

Sincerely,

A handwritten signature in black ink, appearing to read "Vance Broemel".

VANCE L. BROEMEL
Assistant Attorney General

cc: All Parties of Record

#66649

**IN THE TENNESSEE REGULATORY AUTHORITY
NASHVILLE, TENNESSEE**

IN RE:

**TENNESSEE COALITION OF RURAL
INCUMBENT TELEPHONE
COMPANIES AND COOPERATIVES
REQUEST FOR SUSPENSION OF
WIRELINE TO WIRELESS NUMBER
PORTABILITY OBLIGATIONS
PURSUANT TO SECTION 251(F)(2) OF
THE COMMUNICATIONS ACT OF
1934, AS AMENDED**

DOCKET NO. 03-00633

COMPLAINT AND PETITION TO INTERVENE

Comes now Paul G. Summers, the Attorney General for the State of Tennessee, through the Consumer Advocate and Protection Division of the Office of the Attorney General (hereinafter "Consumer Advocate"), pursuant to Tenn. Code Ann. § 65-4-118(c)(2)(A), and hereby complains and petitions to intervene in this docket on behalf of the public interest because consumers may be adversely affected by the proposed Petition for Suspension. The proposed Petition for Suspension seeks to indefinitely suspend the obligations of the members of the Tennessee Coalition of Rural Incumbent Telephone Companies and Cooperatives (hereinafter "Petitioners" or "Independents") under federal law to provide wireline to wireless number portability to their customers. If the Independents' request is granted, their Tennessee customers will not be able to change their wireline telephone numbers to wireless service as envisioned by the Federal Communications Commission ("FCC"). Accordingly, the TRA should deny the request.

For this cause, the Petitioner Consumer Advocate would show as follows:

1. The Consumer Advocate is authorized by Tenn. Code Ann. § 65-4-118 (c)(2)(A) to initiate a contested case, and participate or intervene in proceedings to represent the interests of Tennessee consumers in accordance with the Uniform Administrative Procedures Act ("UAPA").

2. The Tennessee Coalition of Rural Incumbent Telephone Companies and Cooperatives (referred to as "Petitioners" or "Independents") in their present Petition for Suspension before the TRA, is represented by R. Dale Grimes, Bass, Berry & Sims PLC, 315 Deaderick Street, Suite 2700, Nashville, Tennessee, 37238-3001, who signed the present Petition for Suspension before the TRA.

3. The present docket, Docket No. 03-00633, involves a request by the Independents to suspend their obligation under Section 251(b) of the Federal Communications Act of 1934, as amended, to provide wireline to wireless number portability to their customers. Such number portability means that their customers would be able to take their traditional "wireline" or "landline" telephone number that many people have for the telephones in their homes or businesses and carry that number for use (that is "port" it) for wireless service. Thus, with number portability, a customer going from wireline to wireless service would not have to go through the inconvenience of getting a new number and notifying all of his or her friends or customers of that new number.

4. In their Petition for Suspension, the Independents do not contest the FCC's authority to require wireline to wireless number portability pursuant to Section 251(b) of the Federal Communications Act of 1934, as amended. Instead they request an indefinite suspension of that obligation pursuant to Section 251(f) of the Federal Communications Act of 1934 which provides that such suspension or modification may be granted if it:

(A) is necessary

(i) to avoid a significant adverse economic impact on users of

telecommunications services generally;

(ii) to avoid imposing a requirement that is unduly economically burdensome; or

(iii) to avoid imposing a requirement that is technically infeasible; and

(B) is consistent with the public interest, convenience, and necessity.

47 U.S.C. § 251(f)(2).

5. The Consumer Advocate believes that the Independents have not set forth sufficient evidence to support such a suspension. At this time, the Independents have made only broad statements as to the “burden” of providing number portability. Unless and until a contested case is convened, with the attending rights of discovery and cross-examination, the Independents’ allegations will remain untested.

6. Furthermore, the Independents have failed to show why a suspension without limit is proper. Even assuming that providing number portability is a “burden” there is no indication how long it will be such a burden for the Independents.

7. Accordingly, the Tennessee Regulatory Authority should not approve the proposed Petition for Suspension.

8. Only by intervening and participating in this proceeding can the Consumer Advocate work to protect the public interest.

WHEREFORE, the Petitioner prays the Authority to convene a contested case and grant its Petition to Intervene, and grant such other relief as may be appropriate.

RESPECTFULLY SUBMITTED,



PAUL G. SUMMERS, B.P.R. #6285
Attorney General
State of Tennessee



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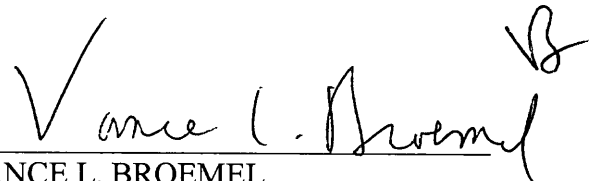
Dated: January 30, 2004

CERTIFICATE OF SERVICE

I hereby certify that a true and correct copy of the foregoing was served via hand delivery or facsimile on January 30, 2004, upon:

R. Dale Grimes, Esq.
Bass, Berry & Sims
Amsouth Center
315 Deaderick Street, Suite 2700
Nashville, Tennessee 37238-3001

Richard Collier, Esq.
General Counsel
Tennessee Regulatory Authority
460 James Robertson Parkway
Nashville, Tennessee 37243-0505



VANCE L. BROEMEL
Assistant Attorney General